

WASHINGTON STATE DEPARTMENT OF HEALTH BOARD OF PHYSICAL THERAPY PUBLIC MEETING MINUTES

Tuesday, July 19, 2005

9:00 a.m.

Department of Health, Point Plaza East, Room 153, 310 Israel Rd SE, Tumwater, WA.

On July 19, 2005, the Board of Physical Therapy met at the Department of Health, Point Plaza East, Room 153, 310 Israel Rd SE, Tumwater, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

CHARLES MARTIN, PT, ACTING CHAIR
PAULA DILLON MAYS, PT
SU SAWYER, PUBLIC MEMBER
PATRICIA R. MUCHMORE, PT, PRO TEM

STAFF PRESENT

KRIS WAIDELY, HEALTH SERVICES CONSULTANT 3
JENNIFER BRESSI, HEALTH SERVICES CONSULTANT 1
MELISSA BURKE-CAIN, AAG
PETER HARRIS, STAFF ATTORNEY
JOY KING, EXECUTIVE DIRECTOR
JOSH SHIPE, DISCIPLINARY PROGRAM MANAGER

GUESTS PRESENT

ANITA GREGORY
DIVYA MALLAR
ABHIJIT KINI

Tuesday July 19, 2005 – 9:00 a.m. – OPEN SESSION

1. **CALL TO ORDER** – The meeting was called to order at 9:00 a.m. by Charles Martin, PT, Acting Board Chair. Charles Martin requested a few moments of silence to remember Samuel Stockton, PT Chair, who recently passed away. Samuel Stockton served on the Board of Physical Therapy since February 1998. Samuel Stockton was a valuable member of the Board who will be extremely missed. Charles Martin welcomed and thanked Patricia R. Muchmore, PT, for assisting the Board as a pro tem member until the Board vacancies are filled.
 - 1.1 Approval of Agenda – The agenda was approved with an addition by Paul Mays, PT, to item #10-Other.
 - 1.2 Approval of Conference Call Meeting Minutes from May 17, 2005. – The minutes were approved as presented.

2. **ELECTION OF OFFICERS** – The Board nominated and elected Charles Martin, PT, as Board Chair. Paula Mays, PT, was nominated and elected as Board Vice Chair. The Board will revisit election of officers at their September 20, 2005 meeting.
3. **CORRESPONDENCE APPROVED BY THE BOARD** – The Board was provided with copies of previously approved correspondence. No new correspondence was received.
4. **PRESENTATION OF AGREED ORDER** – Peter Harris, Staff Attorney, presented an Agreed Order for Joseph Foecking, Program Number 2004-04-0005PT.
5. **FORENSIC PSYCHOLOGISTS** – Melissa Burke-Cain, AAG Adviser, provided information to the Board regarding a presentation by Dr. Irwin Dreiblatt, Psychologist who spoke about sexual misconduct cases. He discussed what's needed to prosecute cases, how to prove the case and whether you would need to hire an expert. He also advocated that it's not a good idea to use the Respondent's treating psychologist as an expert to determine whether they are safe to practice because their conclusion could be clouded if they had a patient relationship prior to being an expert. He indicated that quite a few professions feel the use of a chaperone is protection for the patient but Dr. Dreiblatt indicated that is not true, you might need more depending on the type of abuse. Melissa Burke-Cain, AAG, will prepare a summary for the Board regarding an article on Evaluated Evidence of Sexual Misconduct before State Medical Boards. Paula Mays, PT, will ask Dr. Mays, Licensed Psychologist if he would like to present more on this topic to the Board. Ms. Mays will let department staff know if Dr. Mays should be added to the next board agenda.
6. **TELEHEALTH** – Melissa Burke-Cain, AAG, briefly summarized the progression of the Board addressing Telehealth. Melissa was previously working with Shawn Quigley, former board member, on the Telehealth topic. Paula Mays agreed to work with Melissa to develop a Telehealth policy. Kris Waidely and Melissa Burke-Cain will meet with Michelle Davis, Health Policy Manager, to talk about possible pilot rule-making. The Board will receive more about what is involved in pilot rule making at their September meeting.
7. **JURISPRUDENCE EXAMINATION** – The Board reviewed the jurisprudence examination for corrections or additions. The Board did not make any changes to the exam.
8. **APPROVED PHYSICAL THERAPIST ASSISTANT SCHOOLS** – The Board discussed WAC 246-915-105 regarding substantially equivalent standards. Lisa Pannone, former board staff attorney, began research prior to leaving the department, on how many military PTA programs there were and their curriculum. Lisa Pannone, has now returned to the department and Kris Waidely will contact her for any information she may have regarding this topic. Kris Waidely will also contact APTA and FSBPT for any information they may have available and report back to the board at their next meeting in September.

- 9. BOARD OF PHYSICAL THERAPY IMPLEMENTATION PLAN** – The Board reviewed and discussed each line item of the new legislation to determine possible rule making. Page 5 line 4 through 9 appears to require the Board to develop an affidavit that states licensed physical therapist have the proper education and training in sharp debridement, including the use of a scalpel. Jennifer Bressi, Kris Waidely, and Melissa Burke-Cain will work together to develop a form for Board approval.

Public comments were solicited after the rules language discussion. One person stated that since the Board already requires continuing education, the rule could include language regarding the number of hours required in sharp debridement. Another comment was regarding how the Board approved courses such as wound care. When an applicant who has not graduated from a CAPTE approved program applies for licensure and they are deficient in courses such as wound care, the applicant must submit a course description to the Board for approval.

Page 6 line 20 through 28 – This section addresses electroneuromyographic examinations. Kris Waidely, Melissa Burke-Cain, Jennifer Bressi, and Joy King will set up a meeting with our rules office to discuss implementing an emergency rule. We will also meet regarding the language about the secretary waiving the requirement until rules are established. Patricia R. Muchmore and Paula Mays will research electroneuromyographic examinations and provide information to the Board at the September meeting.

Melissa Burke-Cain, AAG, also mentioned that the session laws should be available through the code reviser's website by the first of August. Kris Waidely will obtain a copy of the session laws for the Board's review at their next meeting.

- 10. PROGRAM REPORT** – Information provided to the Board by the Program Manager.
- 10.1 Legislative Update** – The Board of Physical Therapy will implement new legislation, HB1137.
 - 10.2 Budget Update** – April 2005 Interim Operating Report was provided to the Board.
 - 10.3 Organizational changes** – Ms. King, Executive Director, explained how the professions within section 3 were aligned. The department is keeping track of time staff time spent working for each profession. Jennifer Bressi will be working with the Board Support Unit providing support to the all professions within section 3. Jennifer will be hiring two additional office assistants to assist with board support.
 - 10.4 Other** – Paula Mays, PT, provided a copy of the letter she sent to Joy King, Executive Director, regarding criminal background checks to the Board. Ms. King, explained that the Board could draft a concise explanatory statement with a budget request from the Board. Currently, the department conducts background checks using the Washington State Patrol for applicant's applying for licensure. Ms. Mays is concerned that all available sources for obtaining disciplinary actions are not being accessed because of the costs involved.
The physical therapy renewal fee is currently \$25.00 and the inactive status fee is \$14.00. Health professions accounts will be reviewed annually for necessary adjustments.

A board appointment package was submitted to the Governor's office to fill vacancies on the Board.

Su Sawyer, Public Member agreed to attend the Board Chair/Vice Chair Conference on September 12, 2005.

The Board discussed school presentations and the need to train all board members on providing the school presentations. Patricia R. Muchmore, Pro Tem Member agreed to provide the presentation to University of Puget Sound on December 6, 2005.

10.5 Planning for Upcoming Meetings –

- receive an update on implementing legislation,
- Paula will provide information to the Board regarding the credentialing agencies evaluations,
- set meeting dates for 2006,
- re-visit election of officers,
- update on PTA substantially equivalent military programs,
- update on status of applicants from unapproved programs rule,
- presentation from Dr. Mays, Psychologist, and
- Telehealth update.

CLOSED SESSION 2:17 P.M.

11. REVIEW OF APPLICATIONS

Applicant D – Deny, pending completion of wound care.

Applicant B – Deny, pending completion of general education and wound care.

Re-exam waiver request L.W. – Denied.

Applicant A – Approved.

Applicant C – Deny, pending completion of pharmacology and cardiopulmonary.

Re-exam waiver request M.W. – Approved.

Re-exam waiver request D. B. – Approved.

12. DISCIPLINARY CASE REVIEWS

Case 2004-06-0002PT – Close case – no violation.

Case 2005-06-0001PT – Close case – no violation.

Case 2003-10-0001PT – Close case – Issue Notice of Correction.

Case 2005-05-0003PT – Close case – Does not appear to be a violation of law.

Case 2005-05-0004PT – Close case – Does not appear to be a violation of law.

Case 2005-07-0001PT – Send case to Investigations.

Case 2005-06-0002PT – Send case to Investigations.

13. CONTINUING EDUCATION AUDITS – None to approve.

14. **ADJOURNMENT** – The meeting was adjourned at 4:04 p.m.

Respectfully submitted:

Approved:

Kris Waidely, Program Manager

Charles Martin, PT, Chair